

80063	ACCOUNTABILITY	80063
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(a) The licensee, whether an individual or other entity, is accountable for the general supervision of the licensed facility, and for the establishment of policies concerning its operation.

- (1) If the licensee is a corporation or an association, the governing body shall be active and functioning in order to ensure such accountability.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80064	ADMINISTRATOR-QUALIFICATIONS AND DUTIES	80064
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(a) The administrator shall have the following qualifications:

- (1) Attainment of at least 18 years of age.
- (2) Knowledge of the requirements for providing the type of care and supervision needed by clients, including ability to communicate with such clients.
- (3) Knowledge of and ability to comply with applicable law and regulation.
- (4) Ability to maintain or supervise the maintenance of financial and other records.
- (5) Ability to direct the work of others, when applicable.
- (6) Ability to establish the facility's policy, program and budget.
- (7) Ability to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff, if applicable to the facility.

(b) Each licensee shall make provision for continuing operation and carrying out of the administrator's responsibilities during any absence of the administrator.

(c) The licensee, if an individual, or any member of the governing board of the licensed corporation or association, shall be permitted to be the administrator provided that he/she meets the qualifications specified in this section, and in applicable regulations in Chapters 2 through 7.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85061 REPORTING REQUIREMENTS**85061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall notify the Department, in writing, within thirty (30) days of a change of administrator. The notification shall include the following:
 - (1) Name, and residence and mailing addresses of the new administrator.
 - (2) Date he/she assumed his/her position.
 - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
 - (A) A photocopy of the documentation shall be permitted.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562.3, and 1562.4, Health and Safety Code.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**85064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult residential facilities shall have a certified administrator.
- (c) The administrator shall be at least 21 years of age.
- (d) Have a high school diploma or pass a general educational development test (GED).
 - (1) Administrators employed prior to July 1, 1996 are exempt from this requirement.

The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.

- (f) When the administrator is absent from the facility there shall be coverage by a designated substitute, who meets the qualifications of Section 80065, who shall be capable of, and responsible and accountable for, management and administration of the facility in compliance with applicable law and regulation.
- (g) The administrator of a facility for seven to 15 clients shall have one year of work experience in residential care.
- (h) The administrator of a facility for 16 to 49 clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment:

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

- (1) Completion, with a passing grade, of 15 college or continuing education semester or equivalent quarter units, three of which shall be in nutrition, human behavior, administration, or staff relations.
 - (2) One year of work experience in residential care.
- | (i) The administrator of a facility for 50 or more clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment.
- (1) Completion, with a passing grade, of 60 college or continuing education semester or equivalent quarter units, six of which shall be in administration or staff relations.
 - (2) Three years work experience in residential care, one year of which shall have been providing direct care to clients or assisting in facility administration.
- | (j) The administrator shall perform the following duties:
- (1) Where applicable, advise the licensee on the operation of the facility and advise the licensee on developments in the field of care and supervision.
 - (2) Development of an administrative plan and procedures to define lines of responsibility, workloads, and staff supervision.
 - (3) Recruitment, employment and training of qualified staff, and termination of staff.
 - (4) Provision of, or insurance of the provision of, services to the clients, required by applicable law and regulation, including those services identified in the client's individual needs and services plans.
 - (A) The licensing agency shall have authority to approve the use of a centralized service facility to provide any required services to two or more licensed facilities. Prior approval shall be obtained in writing.

HANDBOOK BEGINS HERE

- (B) Examples of such centralized service facilities are a centralized laundry, dining room or kitchen serving two or more facilities.

HANDBOOK ENDS HERE

- (5) Arrangement for special provisions for the care and supervision and safety and guidance of clients with disabilities including visual or auditory deficiencies.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

HANDBOOK BEGINS HERE

- (A) Such provisions may include additional staff, safety and emergency information printed in braille, and lights to alert the deaf to emergency sounds.

HANDBOOK ENDS HERE

- (6) Arrangement for the clients to attend available community programs, when clients have needs, identified in the needs and services plan, which cannot be met by the facility but can be met by community programs.
- (A) Such arrangements shall include, but not be limited to, arranging for transportation.
- (k) Within six months of becoming an administrator, the individual shall receive training on HIV and TB required by Health and Safety Code Section 1562.5. Thereafter, the administrator shall receive updated training every two years.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1562.5(a) reads in pertinent part:

(a) The Director shall ensure that, within six months after obtaining licensure, an administrator of an adult residential facility ... shall receive four hours of training on the needs of residents who may be infected with the human immunodeficiency virus (HIV), and on basic information about tuberculosis. Administrators ... shall attend update training every two years after satisfactorily completing the initial training to ensure that information received on HIV and tuberculosis remains current. The training shall consist of three hours on HIV and one hour on tuberculosis.

(g) In the event that an administrator or program director demonstrates ... a significant difficulty in accessing training, the administrators and program directors ... have the option of fulfilling these training requirements through a study course consisting of written and/or video educational materials.

HANDBOOK ENDS HERE

- (l) Administrators employed prior to July 1, 1996 shall be exempt from the requirements of Sections 85064(d), (h), and (i) above, provided that they have no break in employment as an adult residential facility administrator exceeding three (3) consecutive years.
- (m) In those cases where the individual is both the licensee and the administrator of an adult residential facility, the individual shall comply with all of the licensee and certified administrator requirements.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

(n) The Department may revoke the license of an adult residential facility for failure to comply with all requirements regarding certified administrators.

(o) Unless otherwise provided, a certified administrator may administer more than one licensed adult residential facility.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, 1562.4, and 1562.5, Health and Safety Code.

85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**85064.2**

(a) An individual shall be a certificate holder prior to being employed as an Administrator.

(b) To receive his/her certificate an applicant shall:

(1) Successfully complete a Department approved Initial Certification Training Program.

(2) Pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.

(3) Submit an application form to the Department's certification section within thirty (30) days of being notified of having passed the test. The application shall contain the following:

(A) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program.

(B) A statement certifying that the applicant is at least twenty-one (21) years of age.

(C) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.

(D) A one hundred dollar (\$100) processing fee.

(c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1522(h)(1).

(d) It shall be unlawful for any person not certified under this Section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified adult residential facility administrator is guilty of a misdemeanor.

85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 85064.2

- (e) Certificates issued under this Section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
 - (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Section 85064.2(b)(2) and (3) above may be extended for good cause as determined by the Department. Any request for extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend time.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, and 1562.4, Health and Safety Code.

85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 85064.3

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during the two-year certification period. Continuing education hours must relate to the Core of Knowledge and be completed through any combination of the following:
 - (1) Courses provided by vendors approved by the Department, or
 - (2) Accredited educational institutions offering courses that are consistent with the requirements of this Section, or

HANDBOOK BEGINS HERE

- (A) Examples of accredited educational institutions are Community and State colleges.

HANDBOOK ENDS HERE

- (3) Courses offered by vendors approved by other California State agencies provided that:
 - (A) The approval and enforcement procedures of that State agency are comparable to the approval and enforcement procedures of the Department, and

85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 85064.3

- (B) The course relates to the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I).

HANDBOOK BEGINS HERE

- (C) Prior to taking a course from one of the entities specified in Section 85064.3 (a)(2) or (3) above, the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.
- (D) Examples of other California State agencies that meet the requirements above are: the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.

HANDBOOK ENDS HERE

- (4) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
- (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
- (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 85090(h)(1)(A) through (I).
- (5) Continuing education hours must enhance the core of knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.
- (b) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (c) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit:

85064.3	ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued)	85064.3
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- (1) A written request to recertify post-marked on or before the certificate expiration date.
- (2) Evidence of completion of forty (40) continuing education hours as specified in Section 85064.3(a) above.
- (3) Payment of a one hundred dollar (\$100) processing fee.
- (d) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit:
 - (1) A written request to recertify.
 - (2) Evidence of completion of the required continuing education hours as specified in Section 85064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if he/she had remained certified. The date of computation shall be the date the written request for recertification is received by the Department.
 - (3) Payment of a delinquency fee equal to three times the renewal fee, or three hundred dollars (\$300).
- (e) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
 - (1) Holders of certificates not renewed within four (4) years of their expiration date shall complete an Initial Certification Training Program as specified in Section 85064.2(b).
- (f) Certificate holders, as a condition of recertification, shall have a current criminal record clearance.
- (g) A processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (h) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's administrator certification section.
- (i) Whenever a certified administrator assumes or relinquishes responsibility for administering an adult residential facility, he or she shall provide written notice within thirty (30) days to:
 - (1) The licensing District Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
 - (2) The Department's administrator certification section.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85064.4 DENIAL OR REVOCATION OF A CERTIFICATE**85064.4**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code Section 1550 and/or for any of the following:
 - (1) The certificate holder procured a certificate by fraud or misrepresentation.
 - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
 - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order, or
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
 - (4) The certificate holder does not have a current criminal record clearance.
 - (5) The certificate holder fails to comply with certificate renewal requirements.
 - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certification renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code 1520.3.

85064.4 DENIAL OR REVOCATION OF A CERTIFICATE (Continued)

85064.4

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1550, 1551, 1562.3 and 1562.4, Health and Safety Code.

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85064.5 FORFEITURE OF A CERTIFICATE**85064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
 - (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
 - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, or 1596.8897, after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order or,
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1520.3, 1558(h) and/or 1558.1.

85064.5 FORFEITURE OF A CERTIFICATE (Continued)

85064.5

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES

85064.5 FORFEITURE OF A CERTIFICATE (Continued)

85064.5

HANDBOOK CONTINUES

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

Health and Safety Code Section 1558(h)(1)(A) reads in pertinent part:

(h)(1)(A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(h)(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

Health and Safety Code Section 1558.1(a)(1) reads in pertinent part:

(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

HANDBOOK CONTINUES

85064.5 FORFEITURE OF A CERTIFICATE (Continued)

85064.5

HANDBOOK CONTINUES

...

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

...

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1558, 1558.1, and 1562.3, Health and Safety Code.

85065 PERSONNEL REQUIREMENTS**85065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ staff as necessary to ensure provision of care and supervision to meet client needs.
- (c) The licensee shall employ support staff as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds.
- (d) The licensee shall ensure that the following personnel requirements are met in the provision of planned activities:
 - (1) In facilities with a licensed capacity of 16 to 49 clients, one employee shall be designated by the administrator to have primary responsibility for the organization, conduct and evaluation of planned activities.
 - (A) The designated employee shall possess at least six months of experience in organizing and providing planned group activities.
 - (2) In facilities with a licensed capacity of 50 or more clients, one employee shall have full-time responsibility for the organization, conduct and evaluation of planned activities, and shall be given assistance as necessary in order to ensure that all clients participate in accordance with their interests and abilities.
 - (A) The designated employee shall possess at least one year of experience in organizing and providing planned group activities, and shall be knowledgeable in the evaluation of client needs, the supervision of other employees, and the training of volunteers.
 - (3) Participation of volunteers in planned activities shall be encouraged.
 - (A) Such volunteers shall be under the direction and supervision of the employee designated as responsible for the activity program.